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opinions of those with whom I may differ, and not without doubt, whether it should not be left until the result of the deliberations of the Convention is known, as that body, in my opinion, possesses supreme power over it, in all things, not inconsistent with the constitution of the United States.

Allude to the great banking system of the State. A system by no means, without its evils and imperfections, as all must concede. The question is not now, however, whether the General Assembly has the constitutional power to repeal the charters of private moneyed corporations, and annul their usual and ordinary franchises. As to the exercise of this power, there is a diversity of sentiment. The right has been denied by the repeated decisions of the highest judicial tribunals of the country, while the affirmative has been ably and zealously maintained, by political writers of great merit, and statesmen of distinguished ability.

I think it may be safely asserted, however, that all special legislation for the benefit of capital, at the expense of labor, that is in the character of monopoly and confers upon the few exclusive privileges which the many are prohibited to enjoy, are utterly inconsistent with the nature and spirit of our democratic institutions.

They should be very seldom, if ever granted, and when found to be injurious to the best interests of the community, there ought some where, to exist the unquestioned authority to remedy every evil they inflict.

There are many modes in which, I apprehend, there is no doubt, but what a moneyed corporation can be reached by legislative enactment, though the charter is silent on the subject. It may be visited, examined, and its course of business controlled so as to meet the convenience and afford security to the community, by information and exposure of its affairs.

But the important question to which I would invite your particular attention, at this time, is the admitted inequality of the taxes paid by the banks upon their property, when compared with those paid by other individuals upon theirs, and leave it to your better wisdom to devise and apply the remedy, if one exists.

Property is the basis of taxation, and the public burdens should be equally distributed in the ratio of its possession.

The farmer with but scanty means; the mechanic who labors from day to day; the merchant or manufacturer, though his business be ruinous, is taxed from one to two per cent. on the full value of every thing he has; but the capitalist places his means in bank, by the purchase of stock, and he is exempted, under any possible contingency, from the payment of any other than a State tax, and that limited to but six per cent on his net profit.

This feature was introduced into the system, I suppose, to invite the investment of capital from abroad; and while it has had such tendencies, it has enabled our own citizens to avail themselves of it, by the most profitable employment of their money, and, at the same time, by avoiding their just proportion of the public burdens.

There is reason for the belief, that any such system of inequality, is too high a price to be paid for any benefits received, because it is directly opposed to the genius and spirit of democratic institutions, one of whose fundamental principles is an equal distribution of the burdens of government.

The feeling is by no means confined to any political party, exclusively, that the banking institutions of the State, one and all, as they are protected by our laws, and supported by the toil and industry of our people, should consent, without contest or delay, to contribute their just proportion to the public expenditures; but if they decline according to so equitable and reasonable a measure, that they should be constrained to do so, if the constitutional and legal means are within the province of the General Assembly.

There is, I believe, no equal guaranty that the officers of the State shall receive their salaries for taxes, tolls, or in payment of the State lands, and there can be no room for question but what the prohibition for such purposes, of the reception of their salaries by the agents of the State, until their assent shall be given to such reasonable proposition as may be made, is within the legal as well as discretionary limits of legislation.

But aside from this, it is worthy of the most serious inquiry, whether the General Assembly has, at one session, the constitutional power to dispense with, or bargain away, the right of taxation to any part of the property of the State, so as to prevent the re-assessment of the same, in a subsequent session. If the affirmative is maintained, and a part of the property of the State may be forever exempted from the public burdens, there is not, nor can there be, any well defined limit to this power. The whole taxable property of the State may be placed beyond its reach, the State unable to provide for its ordinary expenses of government, or to defend itself against a common enemy.

I incline to the opinion, that this high sovereign power to levy taxes, cannot be disposed of by any corporation, by one, so as to prevent a succeeding General Assembly from re-assessing it; and I could, if necessary, find a distinction between this as a negative, and those which may be called the positive franchises of a corporation, and necessary to its existence, and look upon the exemption from taxation as an exception to the general rule, that chartered rights cannot be taken away or impaired, as is claimed, by the advocates of such a doctrine.

I am not unaware that the case of the State v. the Commercial Bank of Cincinnati is opposed to this view of corporate rights; but that decision was made many years since, and by a divided court, and goes for nothing, under it highly expedient that the rules hitherto recognized, and claimed as placing these institutions beyond the reach of either judicial or legislative correction, should now be reviewed, modified, and placed on a foundation more consistent with the spirit of our laws and the rights of all.

Having thus, very briefly, referred to certain subjects of State policy, and some of the functions of the Executive, as in my humble judgment they ought to be performed, I could wish that nothing remained but to take the oath of office and retire from this hall. But I cannot do so consistently with public expectation, without a frank expression of my views on a question now pending before the people which threatens the stability of the Union, the supremacy of the laws, and has hitherto, with very few exceptions, prevailed since the adop-

tion of the Federal Constitution in 1790.

An excitement is spread over a large extent, and pervades every rank and condition in life, and unless allayed, and other counsels prevail, collisions between government and people may produce civil war, of which no one can predict the consequences to the General or State Governments, or to freedom throughout the world.

The question of human slavery is, and ever has been, a subject of discord in the relations of the several States to each other, and to the General Government, which is bound to protect the constitutional rights and interests of each.

The Democratic party ever has and ever will oppose either the diffusion or extension of slavery into any free territory of the United States, by every legal and constitutional means, and would rejoice if any mode, not doing violence to others, could be devised to overthrow and eradicate the evil.

That Congress, having by the Constitution authority to legislate for the District of Columbia, "in all cases whatsoever," may there abolish it, I entertain no doubt; Congress is, by the Constitution, the local legislature of the District, and all cases within the legitimate sphere of legislation are embraced within the terms, "in all cases whatsoever," as used in that instrument.

Congress appears to me to possess the same legislative power over slavery within the ten miles square, that may be exercised by the legislatures of the slave States over it within their jurisdictions; and that it has been considered in those States as a proper subject of legislation, their history furnishes the most satisfactory evidence.

I have ever viewed the abolition of slavery in the District, not only a measure of expediency, but of absolute natural right to the colored race. The South would doubtless acquiesce in such a measure; for if we expect to remain one people there is an absolute necessity of adhering to the decisions of Constitutional majorities, within their legitimate spheres of action.

But the abolition of slavery in the District of Columbia, and in the slave States, in my opinion, stand upon different grounds as to the power of Congress over it.

The Executive of Vermont, in his late message to the General Assembly, intimates the opinion that Congress may abolish slavery in the States where it now exists. How far this opinion prevails I am not informed, but I believe the exercise of any such authority by Congress would be followed by a dissolution of the Union. The South would then be driven to it, to preserve their peculiar institution under their own local authority.

The entire South, and I believe a large majority of the North, would look upon such action as an unwarranted usurpation by Congress, for which there is no authority, expressly granted or fairly to be implied, from the Constitution of the United States.

The excitement to which I have before referred, appears to have entirely grown out of the passage, approval, and partial execution, in a few instances, of what is called the Fugitive Slave Law, by Congress.

Conventions have denounced it as unconstitutional. The Clergy have declared it in opposition to the higher law of God, and there fore void. The slave and the citizen have been advised and invited to arm and oppose the execution of this law, to the shedding of human blood, and all this is done in the peaceable and orderly State of Ohio, and I think is the result of mistaken judgment; if not, and the law is actually void, they are right, and I could justify the noble impulses which prompt interference between freedom and servitude, in opposition to law, whether white or black. But let us for a moment search after truth, and if we find it, acknowledge its force. Let the ground we occupy, at least, be well considered, before we hasten to results calculated to weaken the public confidence in the supremacy of our laws, and the wisdom and stability of our institutions.

There is, I think, no doubt, that the Supreme Court of the United States will sustain every provision of this law, as constitutional, when the occasion shall arise. One of its northern members has already done so, in the case of Garnett.

The decisions of this tribunal are absolutely conclusive on all others, on questions growing out of the constitution of the United States. It is the national tribunal, and its opinions final. There is no appeal. If I am right in this, whenever common sense over acts violence against the execution of this law is guilty of a misdemeanor; and if death ensue, may be guilty of murder!

But I cannot drop the subject here. With a natural aversion to the institution of slavery, and the evils that I believe it entails, on any people, I should be false to myself and false to truth, if I did not express the opinion, that the law is consistent with constitutional obligation, between the States.

The Constitution provides, in the last clause of the 2nd section of the 4th act, that "no person held to service or labor, in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

It is a matter of public history, that this provision was inserted in the Constitution of the United States, as the result of a compromise, and for the purpose of enabling the owners of fugitive slaves to recover them, in the free States; and that, without it, no constitution could have been formed. The provision, I believe to be binding upon the states, and upon the people of the states, and every public functionary is under the solemn obligations of an oath to obey its mandates. By means of this, Congress had the discretionary power to legislate, to carry out the designs of the provision, not infringing on any other article or section in that instrument; and this constitution, and the laws of Congress and the treaties made in pursuance of it, are declared to be the supreme law of the land.

If the late act violates this instrument, in what does such violation consist? Not in establishing new or unusual rules of evidence, for when the constitution is silent, they are within the legislative discretion. Not in denying a fair trial, for it does not differ in this respect, from the law of 1793, which has remained for fifty-seven years in force, and been sustained, both by state and national decisions with but little, if any, complaint.

One of our most able elementary writers is of the same opinion. Judge Story, in his commentaries on the Constitution, uses this language: "It is obvious that these provisions for the arrest and removal of fugitives of both classes, 'from labor and justice,' contemplate summary ministerial proceedings, and not the ordinary course of judicial investigation. And in the case of fugitive slaves there would seem to be the same necessity of requiring only prima facie proof of ownership, without putting the party to a formal assertion of his rights, by suit, at the common law." Judge Grier denies, in any case of extradition, that a jury trial is warranted by the Constitution, or authorized by usage.

I think no case, of a mere preliminary examination, can be found of trial by jury, in any of the United States.

The 6th article refers to a final criminal judicial trial, to establish or acquit of guilt, and the 7th to civil trials, at common law, meaning final judicial trials.

These are the only provisions in the Constitution of the United States on the subject, and neither reaches any case of preliminary examination, and especially where the proceedings are ministerial, rather than judicial. Is the law unconstitutional because it suspends the writ of Habeas Corpus? Suppose it is, what is the consequence? Merely that the provision suspending the writ would be void, and the writ issue, as in other cases. I am, however, of the opinion, the language used does not suspend the writ. It is no more than the language which the law implies to every court of exclusive competent jurisdiction.

The writ is to discharge from illegal restraint; if the imprisonment be legal, the writ itself is discharged.

There have been, so far as I have observed the main objections to the constitutionality of the law, neither of which, in my opinion, is well taken.

It is void because it opposes the law of God? Here I will quote the language of one of our most distinguished men, whose great experience and extensive acquirements are his least commendation. In a case lately tried before Judge McLean in the State of Indiana, this identical question was presented, and he used this language in his charge to the jury.

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## THE FREEMAN:

PREMONT, OHIO.

J. S. FOUKE, Editor.

SATURDAY, DECEMBER 21, 1850.

### Governor Wood's Inaugural.

This document we lay before our readers this week. It is an able and well written paper, and taken as a whole, is unobjectionable to the Whig party. Some of his recommendations we heartily approve, and if acquiesced in by the Legislature, will prove beneficial to the State.

His views in relation to the "Fugitive Slave Law," we endorse entire. They are the views of the Administration, and of the Whig party generally. We have never doubted the constitutionality of that law, or the obligations of the free States to see that it is strictly enforced. At the same time we believe its passage was injudicious and uncalled for; not in accordance with the progressive spirit of the age, and tyrannical in many of its features. It is obnoxious to the free States, not only because it holds out inducements to fraud, and attempts to make slave-catchers of freemen, but because it is not in accordance with humanity and the inalienable rights of mankind. It should be amended or repealed at an early day, but until it is, all good citizens should recognize it as the supreme law of the land, and aid, if called on, in the execution of its demands.

Our friend and fellow citizen, JOHN BELL, Esq., was nominated at the Locooco Convention at Tiffin on Tuesday last, as their candidate for Congress, to fill the vacancy occasioned by the death of the late Hon. A. E. Wood. We understand the General has several competitors for the Congressional honors, but he triumphantly distanced them all, including the delegation from Wood county.

The Whigs, of course, will have no candidate before the people, and as a consequence, the General will have the course to himself.

The mails are not as regular these days as clock work. We seldom get our Columbus papers until they are about a week old. The Cleveland papers are generally about as long getting here, and the Toledo papers come with no regularity at all. We depend upon the Toledo papers for the latest intelligence, and when they are received regularly, they have news two or three days sooner than we can get it from any other source. It is not that the post-master at Toledo puts the papers of that place in the Bellvue Mail-bag, and they go from thence to Springfield in the cars, and return to this place in the eastern mail about three days after they are due. Will our neighbors of the Blade and Republican ascertain the cause of this irregularity.

The directors of the Toledo, Norwalk, and Cleveland Rail Road, give notice in our paper this week, for a payment of 10 per cent of the capital stock of said company, by the 10th day of February, 1851, and 10 per cent every 60 days thereafter until the whole is paid. Stock holders "will please govern themselves accordingly."

We have been anxiously waiting, expecting that some one of our numerous readers would present us with a fine, fat, plump turkey, that we might enjoy the coming holidays in common with our more fortunate neighbors, who are able to buy them.

But we have made up our mind that pork, potatoes and cabbage, must satisfy our appetite on that occasion.

Peterson's Magazine, for January, has been received, and for quality and quantity of reading matter, excellent engravings and neatness of execution, surpasses any previous number. For 1851, the reduced prices to clubs will be continued, while the quantity of reading matter will be increased. "No expense," says the editor, "shall be spared in the way of embellishments. The fashion plates shall be in advance of every contemporary, and will be, in addition, beautiful pictures. Mrs. Ann S. Stephens, the author of 'Mary Derwent,' 'Palaces and Prisons,' 'Julia Warren,' 'Malina Gray,' &c., will continue to edit the work, which is a guarantee that it will be the most readable of the Magazines.—In 1851, a new feature will be introduced, in a series of National stories, located in different sections of the Union, and depicting manners and traditions North, South, East and West. Recollect, the terms of this Magazine are but two dollars a year; to clubs, three copies for five dollars, or eight copies for ten dollars, with a choice of two large sized premium pictures to the person getting up the club. Address C. J. Peterson, No. 98 Chestnut Street, Philadelphia." A specimen can be seen at this office.

HOLDEN'S DOLLAR MAGAZINE.—The January number of this ever welcome magazine, is upon our table, much improved in every respect. This is the cheapest and most readable work extant, and cannot fail to give satisfaction to all classes of readers. The editor promises to make "Holden" more attractive the incoming year, than it has been for the past, which promise will be faithfully adhered to, as his list of authors will fully guarantee.

One dollar a year, in advance. Address, FOWLER & DEITZ, 109 Nassau St. N. Y.

J. A. Scranton, Sergeant-at-Arms of the Ohio Senate, will please accept our thanks for a pamphlet copy of Gov. Ford's message.

SANDWICH ISLANDS.—The population of these Islands is decreasing—it is now less than 80,000. Captain Cook estimated it at 400,000. The Polynesian says, if there were an army of laborers, the productions of the Islands could be increased to \$20,000,000 in value.

### Ohio Legislature.

A bill was introduced in the Senate by Fouts, (Loco) to repeal the act creating Common Schools and the State Board of Education. Bills were also introduced for abolishing the Homestead exemption and Ten per cent. Interest laws. The resolution of Randall for adjournment in February was lost. Temperance petitions are pouring into the Legislature.—The Columbus correspondent of the Cleveland Herald says:

Messrs. Lewis, Cunningham and Bill, are a select committee on temperance in the Senate; and Messrs. Fairchild, O'Ney, Bushnell, Bundy and Bradley are in the House.

A bill will probably be introduced in the House repealing all laws now in force on the subject, and among its provisions, compel payment by the vendor for all damages done resulting from the sale of Liquor. I mention this in advance, so that temperance people may put in their digestion cisterns, and see how it will operate.

I am at a loss to determine, but each committee is an excellent one, and will unquestionably produce bills practically beneficial in their operations.

The committee on Federal relations, in the House, have reported resolutions strongly denouncing the Fugitive Slave Law.

We are indebted to a friend at Columbus, for the following sketch of Legislative proceedings in a letter, dated the 9th inst.

"Of the organization and other proceedings of last week you are doubtless informed.—Governor Wood is here, and on being waited on by a Legislative committee this evening, responded that he would communicate with the General Assembly, on Thursday, at 3 P. M. He looks hearty, and bids fair to be long Governor of Ohio, though he may not serve more than one term.

In the Senate to-day, there has been quite an interesting discussion, relative to abridging the debates of the Constitutional Convention. Mr. Payne of Cuyahoga, the position that the Convention was omnipotent, and could frame the new Constitution as they pleased, and put it in force without submitting it to the people for adoption or rejection. Mr. Howard of Clermont, said the convention was a kind of itinerant concern, and was likely to visit every county in the State, before they got through with the labors before them. He deprecated the idea that the General Assembly should legislate or forbear legislation, on account of any constitution that is to be framed and adopted, because he said they had only visited two of the cities of the State, and he expected them in his county yet, and had no doubt they would itinerate to every other county. He thought the people had ceased to know or care anything about the convention, &c. This from a prominent Democrat, was rather rich, and goes far to confirm me in my conviction that the people of the State look upon the doings of this third branch of the Legislature, with a sort of earnest indifference, that is, uninteresting. The resolution to adjourn sine die, Feb. 1st, offered in the Senate last Tuesday, was discussed again to-day, and again laid on the table. So far as I can discover, there is a disposition to work diligently this session, and adjourn as early as possible.—The members are in a very friendly humor, indeed, none of the rancor and bitterness which characterized the Legislature of last winter, is apparent now.

Soon after the organization a resolution passed the Senate, directing the clerk to procure the printing done at rates not to exceed those of the last session, until otherwise ordered, and under that Mr. Sewell has given it to man called Rice, who seems to be on hand, as a tender for the Statesman. This Rice does not, as I am informed, own a type in the world, but from the peculiar shade of his politics he can get printing and crumbs, when neither the Statesman or Journal are exactly of the right stripe, and after "tolling the grist," he turns it over to Medary. I neither know or care, who Mr. Rice is, but if any honorable, high-minded man would thus occupy the position of a go-between and scavenger for the Statesman or Journal or any body else, then I am mistaken, and I hope the Senate will take measures to cut off from Mr. L. L. Rice, these legislative crumbs and drippings, by which he seems to exist.

There is to be a strong effort to repeal the Homestead Exemption law of last winter, but it is very doubtful of success, the law having an element of popularity in it, that will make men, looking for political advancement, cautious how they vote. The ten per cent. interest law also, will have to pass a fiery trial, if there is anything in the signs of the times.—Some of the members are of the opinion that if the delays now incident to the collection of debts, could be done away, and the legal rate of interest fixed at 7 per cent, it would supercede the necessity of any such law as the one alluded to, and would tend more to invite capital to the State, than any other measure.—On the subject of the U. S. Senator, all is smoke and uncertainty, as yet, though I think the indications are not favorable to the election of Mr. Ewing. Mr. Randall is said to favor the election of Mr. Giddings!

The "Phrenological" and "Water-Cure" Journals for January 1851, have been received. The new volumes commence with the January numbers, and all who wish to obtain these valuable works, should forward on their money immediately. The Messrs. Fowlers' publications are so generally and favorably known, that it would be superfluous for us to say any thing in their favor, and we merely state the terms, which is one dollar, in advance, for each work. Address, FOWLER & DEITZ, 109 Nassau St. N. Y.

Appropriation asked by the Secretary of War.

The total amount asked for, is \$1,155,778, of which \$1,052,875 is for Rivers and Harbors, \$70,000 for Roads and \$32,903 for Light-houses. We notice the following:

Harbor at Ashtabula, Ohio	\$15,000
Buffalo—Sea Walls	14,000
Black river, Ohio	10,000
Conneaut Harbor, Ohio	14,000
Cleveland do do	20,000
Erie Harbor, Pennsylvania	30,000
Dredge, &c., at Erie	20,000
Gravel river, Ohio	10,000
Huron Harbor	6,000
Michigan City, Indiana	30,000
Ohio river between Pittsburgh and Louisville	60,000
Ohio river below the falls; and of the Mississippi's tributaries; Missouri and Arkansas rivers	200,000
Sandusky Harbor, Ohio	12,000
St. Louis Harbor	50,000
Vermilion river, Ohio	10,000

There have been not less than 700,000 cotton spindles stopped in various parts of the country in consequence of the Tariff of 1846 of which 302,200 were in Boston and vicinity.

### Arrival of the America.

Halifax, Dec. 11.

Editor Ohio State Journal:

The Steamer America, from Liverpool, arrived here at 8 o'clock. The Baltic arrived at Liverpool at 11 o'clock on Thursday Morning. She encountered unusually heavy weather throughout her passage from New York.

ENGLAND.—There is greatly increased agitation in England and Scotland, in regard to the Anti-Popery movement, and the Daily News asserts that the Attorney General is preparing a bill to make penal the holding of English titles by the Catholic clergy, and the Times significantly remarks that Dr. Ullathorn is the first, and he assuredly will be the last Bishop of Birmingham.

Lord Beaumont, a Catholic Nobleman, has taken the field against the measures of the Pope, and maintains that his appointment to English Bishops is derogatory to the Crown and at variance to the constitution.—Immense meetings, denouncing the aggressive policy of the country, have been held, and in some cases led to serious riots, especially at Berkenhead, where the meeting adjourned for Wednesday was attended with one of the wildest riots since the days of the reform bill. Magistrates and police were compelled to flee before the mob.

FRANCE.—The latest advices from Paris announce M. Depeygnon from Berlin, and he is reported to have expressed his conviction that the King of Prussia will have great difficulty in restraining the warlike disposition of his people, and that he cannot and ought not to make any further concession.